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PROTECTION OF PERSONAL DATA IN THE UKRAINE AND POLAND

In the present paper there will be presented legislation relating protection of personal data in Ukraine and Poland.

As for the settlement in Poland keep in mind that Poland, as a member of the European Union is binding by the EU law which, a grant or adjusts the matter belonging to state law. At European level, the issue of protection of personal data is governed by (a basis of Polish regulations) Directive 95/46 / EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing personal data and on the free movement of such data. Since the implementation of the Lisbonian treaty, the principle of protection of personal data of each person **Physical** contained in the regulation is also of fundamental importance for the Union, which is the Treaty on the Functioning of the European Union — Article. 16 provides that «Every person has the right to protection of personal data. Issues concerning the protection of personal data have been under Polish law regulated the time bets in 1997 — in art. 51 of the Polish Constitution of 2 April 1997 and — in a comprehensive manner — in the Act of 29 August 1997. Data protection Act. Ukraine is not a member of the European Union, and therefore is not bound by the EU regulations on the protection of personal data.

The main legal act, which regulates the issue of protection of personal data is the Data Protection Act of Ukraine.

The application of these laws:

The Polish law applies to administrators, who in has premises or place residence on the Polish territory, or in the Member State third (Under European Economic Area), as far as process the data's using technical means marked on the territory Polish Republic. Application of the law is turned off, if technical measures out in Polish serve exclusively for data transmission (transit).

Ukrainian law applies to relations about the protection of personal data in processing. The Ukraine regulations shall not apply to activities related to the creation of databases.

It follows that when it comes to the scope of both laws, they differ. Polish law narrows the processing to the activities related with administer of databases, which in addition must be domiciled in the territory of the Republic of Poland and process personal data using technical measures on Polish territory. **Ukrainian act only applies when processing personal data, indicating that the catalog of cases in which processing data does not lead to usinig these regulations**

When it comes to basic terms of both acts.

Administrator safety information — a person, featuring a more complete ability to step; appointed by the Administrator of personal data. Administrator safety information; directly subject to the direct head of organizational entity or a natural person;

The data controller; the controller can be a deputy that will be appointed by an administrator. The collection of personal data — structures set of personal data, according to the available down criteria (personal information — such as first name, last name, date of birth impersonal — eg. the date of entry of the data set).

This kit may be distracted or divided functionally. In the case of personal data processed in the system information, set applies to both data processed in the collection, as well as outside them, in which case, the processing of conventional methods, data processing set a condition for the application of the Act personal data administrator, a person authorized by the administrator for processing (eg. employee, to which the task should be the processing of personal data), or an external entity, entrusted with the processing of personal data by an agreement. From such a situation we have to deal with the outsourcing of services. As for the Ukrainian law we have to deal with the following terms: personal database called the whole structured personal data electronic and / or in the form of files of personal data; the holder of a personal database natural or legal person who, under the law or after obtaining the consent of the personal data obtained right to the processing of those data approve the purpose of the processing of personal data in this database, determines the composition of the data and processing procedures in the case where the law does not provide otherwise;

Polish law is concentrate on administrator safety information which, under certain circumstances can act on a set of personal data. What is vital, does not have to make himself an administrator and only processing. Act Ukrainian addicted protection from the conclusion of personal data in the database of personal data. The similar person in the Ukrainian process as in Poland we have administrator safety information is the holder of a personal database.

When it comes to those involved protection of personal data a Polish law lists the duties Administrator of personal data that is subject it is the entity responsible for processing the data personal information. This means that on the one

hand, entitled to carry out his important powers (he determines purposes and the data processing centers), but on the other hand he has on the numerous Obligatory beam and he bears the consequences of data processing in violation of the laws Data Protection personal information. These duties consist **of include:** the fulfillment of one of the grounds specified in the Act legalizes **Smokers** processing Personal Data; duty to information tied to the acquisition of data; duty to Confidentiality especial care. When processing data in order to protection of the interests of the data concerning; duty to secure data; duty to report personal data file to the registry data sets maintained by the Body General for Personal Data Protection, excluding situation processing data in the filing released from the obligation affiliation registration.

Ukrainian law lists the following obligations connected with the processing personal data: **First, as the object of protection it determines in accordance with Article. 5. that the subject of protection of personal data are personal data** When it comes to Ukrainian law, it lists the following obligations of related data connected with personal data. **First, as the object of protection it determines in accordance with Article. 5** of the law that the subject of protection of personal data are personal data which are processed in the databases. Personal data beyond the impersonal procedures for accessing information are limited to access. The Bill may be banned credit personal data of selected category.

I have found that construction in Ukrainian law is similar to that found in Polish Act, also on the basis of the Ukrainian Law must be fulfilled prerequisites, which allow to process the personal data personal data. Nevertheless, the list of reasons in Polish law is broader, divides personal data on the so-called personal sensitive and simple. In my opinion, this allows for easier finding evidence to make processing of personal data. In

my view, data protection regulations both in Ukraine and in Poland is successful. For purposes of this paper is not presented problems for the possibility of access to the register of entities interested in personal database, and directory penalties regarding violations of the rules on databases. **These regulations, as you stand at a high level. In my opinion, these regulations stand at a high level.** The aim of this paper was to present the scope of the laws. The main concepts related to the law on protection of personal data and then determining the environment in which the data processing can take place at the end to move to the obligations to be met by entities processing personal data. As I said when commenting particular, parts of both regulations stand at a high level, but would recommend to think whether in the era of rapid growth of modern means of communication, it would not be reasonable to clarify the scope of the Ukrainian Act, i.e. to which situations it should be applied, taking into account that may arise interpretational problems, especially when the subject performs data processing abroad. This is particularly true space database, the place where the information from this database are processed. In this respect Poland regulation seems to be more perfect.